

Testimony of the Honorable Kenneth V. Cockrel Jr.
President of the Detroit City Council

before the
House Intergovernmental, Urban and Regional Affairs Committee

(December 5, 2007)

Chairwoman Byrum and other distinguished members of the House Intergovernmental, Urban and Regional Affairs Committee. ... Good morning and thank you for permitting me to address you on the merits of House Bills 4868 and 5319.

My name is Kenneth V. Cockrel Jr., and I am the President of the Detroit City Council. I am joined today by Ms. Medina Noor, Director of the Detroit Department of Administrative Hearings ... and Mr. Amru Meah, Director of the Detroit Department of Buildings and Safety Engineering.

We come today to respectfully ask your honorable body to pass House Bills 4868 and 5319.

Before getting to the crux of my brief testimony, however, let me first thank Representatives Coleman Young Jr. and Shanelle Jackson, both of Detroit, for sponsoring this legislation.

Trust that these bills – if enacted and passed into law – will help not just the City of Detroit but all Michigan municipalities to continue attacking the blight that remains far too prevalent in many of our neighborhoods.

Specifically, House Bills 4868 and 5319 complement laws that the Legislature passed in 2003 to allow Michigan municipalities to establish administrative hearings bureaus. Staffed by hearings officers, such bureaus hear, try and adjudicate tickets written by various enforcement officials for blight violations in six broad categories:

- (a) Zoning.
- (b) Building or property maintenance.
- (c) Solid waste and illegal dumping.
- (d) Disease and sanitation.
- (e) Noxious weeds.

(f) Vehicle abandonment, inoperative vehicles, vehicle impounding and municipal vehicle licensing.

Make no mistake: The 2003 law allowing for prosecution of such offenses in administrative hearings bureaus, as opposed to district court, continues to help augment the quality of life for residents of Michigan's largest city.

Consider the following excerpt from a November 12, 2007, story in **The Detroit News**.

"... the Department of Administrative Hearings, commonly called blight court, is gaining on the problem of illegal dumping and dilapidated properties and is far superior to the system in the old days, when violators were taken to 36th District Court," according to the News article.

Thus, the City of Detroit's rationale for wanting to amend state law to include two more categories for which blight violations can be issued and tried in its Department of Administrative Hearings.

Specifically, House Bill 4868 would amend the Home Rule City Act to allow citations for blight violations to be written for Right-Of-Way-Signage and Dangerous buildings offenses and subsequently adjudicated in the Department of Administrative Hearings.

In the City of Detroit, illegal signs affixed to street lamps and other infrastructure in municipal rights-of-way is a huge problem. Such placards advertise everything from concerts to beauty supplies to money-making schemes. Collectively, they constitute an eyesore to our municipal landscape. They also distract motorists and thus compromise public safety.

So, too, do the roughly 9,000 dangerous buildings in our beloved city put residents and visitors at risk. Many of these structures have been damaged by fire, flood, wind, neglect and vandalism, and the City of Detroit spends its own money to raze about 1,000 of them each year.

House Bill 5319 would amend the Housing Law of Michigan to allow municipalities to decriminalize their dangerous buildings ordinances and try violations of said local law through an administrative hearings bureau.

We in the City of Detroit believe this change will allow us to target the owners of these dangerous buildings for stepped-up enforcement measures that will compel these individuals to either bring their properties up to code before they make it on the city's demolition list ... or to demolish the structures at their cost and not ours.

Again, we respectfully ask members of this committee to pass House Bills 4868 and 5319. We are happy to entertain any questions your honorable body might have. Ms. Noor and Mr. Meah, in particular, can address any technical questions you might have about this two-bill package.

Thank you for your consideration of my remarks and your forbearance during my testimony.

VOTE FOR HOUSE BILLS 4868 AND 5319

House Bills 4868 and 5319 seek to amend Michigan law to ...

- Add two additional categories to the list of broad offenses for which municipal blight violations can be issued: Right-Of-Way-Signage and Dangerous Buildings.
- Permit municipalities to decriminalize their dangerous buildings ordinances and try such offenses through a Department of Administrative Hearings.
- Allow cities to file an action in **Circuit Court** for the collection of a judgment imposed by a Department of Administrative Hearings Officer for a blight violation.

House Bills 4868 and 5319 will help Michigan municipalities to ...

- Further eradicate blight from their landscape.
- Promote the health, safety and welfare of their residents and visitors.
- Maintain residential property values.
- Advance civic pride and attract economic development.
- Shift the costs of demolishing dangerous buildings from their books to the owners of such structures.
- Actually have hearings on right-of-way-signage and dangerous buildings citations and mitigate congestion in district court.

JOURNAL OF THE DETROIT CITY COUNCIL, WEDNESDAY, JUNE 6, 2007

RESOLUTION

IN SUPPORT OF HOUSE BILL 4868

BY COUNCIL PRESIDENT K. COCKREL, JR.:

WHEREAS, The City of Detroit continues to make tremendous strides to eliminate blight in its neighborhoods, streets and thoroughways because its government leaders recognize that such eyesores dampen the quality of life for city residents.

WHEREAS, One tool that has proven effective in the eradication of blight in the City of Detroit is the Department of Administrative Hearings — an independent city agency that was created on January 1, 2005, for the sole purpose of enforcing the municipal code as it relates to property maintenance and blight prevention.

WHEREAS, Michigan law (MCL 117.4q) limits the Department of Administrative Hearings to hearing civil cases that pertain only to "blight violations" of the following types:

- (a) Zoning.
- (b) Building or property maintenance.
- (c) Solid waste and illegal dumping.
- (d) Disease and sanitation.
- (e) Noxious weeds.
- (f) Vehicle abandonment, inoperative vehicles, vehicle impoundment and municipal vehicle licensing.

WHEREAS, Placards affixed illegally to public traffic signs, lamp posts and elsewhere in municipal right-of-ways remain a major challenge in the City of Detroit and hinder government efforts to keep Michigan's largest municipality clean and free of blight.

WHEREAS, The City of Detroit currently treats non-zoning — or right-of-way — sign violations as criminal offenses but wants to decriminalize them so they can be designated "blight violations" and adjudicated in the Department of Administrative Hearings.

WHEREAS, Michigan law would need to be amended to expand the types of "blight violations" that could be adjudicated in the Department of Administrative hearings before the City of Detroit could proceed legitimately with decriminalizing non-zoning sight offenses.

WHEREAS, House Bill 4868 — sponsored by State Representative Coleman Young Jr. (D-Detroit) and before the House Intergovernmental, Urban and Regional Affairs Committee — seeks to amend Michigan law to add "RIGHT-OF-WAY SIGNAGE" to the list of "blight violations" that can be adjudicated in the Department of Administrative Hearings.

WHEREAS, House Bill 4868 defines "RIGHT-OF-WAY SIGNAGE VIOLATION" to mean "THE PLACEMENT OF SIGNAGE IN A RIGHT-OF-WAY WITHOUT A PROPER PERMIT FROM THE CITY."

WHEREAS, Passage of House Bill 4868 will help the City of Detroit in its persistent battle against blight, which diminishes property values, depresses Detroiters' quality of life and distorts visitors' view of our civic pride. NOW, THEREFORE BE IT

RESOLVED, That the Detroit City Council urges the Michigan Legislature to pass and Governor Granholm to sign into law expeditiously House Bill 4868, and BE IT FINALLY

RESOLVED, That the Detroit City Clerk be instructed to send copies of this adopted resolution to the Honorable Governor Jennifer M. Granholm, the Honorable Detroit Mayor Kwame M. Kilpatrick, the Michigan Legislature and City of Detroit Lansing Lobbyist Kenneth Cole.

Adopted as follows:

Yeas — Council Members S. Cockrel, Collins, Jones, Kenyatta, Reeves, Tinsley-Talabi, Watson, Conyers, and President K. Cockrel, Jr. — 9.

Nays — None.



Photos by Daniel Meers / The Detroit News

Enforcement officer David Moore looks through the illegally dumped garbage on Dexter near newly constructed homes in Detroit in late October. Of the \$26 million in blight fines levied since 2005, just over \$4.8 million has been collected.

DETROIT FINDS BLIGHT FIGHT HARD TO WIN

City prosecutes more cases, but collecting fines difficult

By DAVID JOSAR
The Detroit News

DETROIT — A special agency created by Mayor Kwame Kilpatrick nearly three years ago as part of his attack on blight has collected 15 percent of the \$26 million in fines it has issued, and half of those who are ticketed don't even bother to show up for their hearings.

Furthermore, tickets for run-down property and illegal dumping sometimes are issued to the wrong people, who then have to fight City Hall to get the mistake corrected.

Nonetheless, supporters say, the Department of Administrative Hearings, commonly called blight court, is gaining on the problem of illegal dumping and dilapidated properties, and is far superior to the system in the old days, when code violators were

PROPERTIES REHABBED
Wayne County to award five owners for sprucing up properties. 1B

taken to 36th District Court.

"In one day, we can go after as many people as it would take us an entire month in 36th District Court," said Amru Meah, the city's director of building and safety engineering, whose enforcement officers and inspectors write many of the tickets. "This gives us a powerful tool."

Ahmed Mohammed isn't convinced.

Mohammad was ticketed for overgrown weeds on his property on West Davison. Armed with photographs and copies of deeds, a frustrated Mohammed recently explained to the judge that the

Please see *Blight*, Page 6A



Moore examines a backyard. "We have to get their attention," Moore says of owners of blighted property.

Blight

Continued from Page 1A

rundown property was his neighbor's — not his. The judge looked at his documents, asked the enforcement officer a few questions she couldn't answer, and announced the case would be taken under advisement. A month later, it was dismissed.

At least Mohammed showed up. Of the 12 other people due in blight court that morning, eight never showed and default judgments worth \$20,000 were entered against them. Of the four who did show, two of the tickets eventually were dismissed.

City vows to do better

No-shows, no-pays and misdirected tickets are common, according to Irvin Corey Jr., the City Council's fiscal analyst.

His report in May found that the blight court costs more to run than had been expected, but it collects less and has had a hard time retaining administrative hearing officers to act as judges, even at \$400 a day.

Of the \$26 million in fines levied since 2005, just over \$4.8 million has been collected. Half of the people cited never respond to tickets; and the 33,000 tickets written and processed each year are less than the original goal of 75,000.

Last year, the blight court overspent its \$1.3 million budget by \$435,000.

While the court levies fines, the city is responsible for collecting them, and it's promising to do better. For the first time in Detroit, Treasurer Jeffrey W. Beasley last week took action to garnish paychecks and seize assets of a dozen or so chronic violators — most of them landlords — who owe the city more than \$10,000 each for unpaid tickets.

In the first week of November, the city sent demand letters to about 45,000 people who owe money. As a result, Beasley said, about 3,200 people have made arrangements to pay their fines. The amount of added revenue was not available last week.

The next step, also a new direction for the city, is to report the unpaid bills to credit rating agencies and eventually garnish wages and

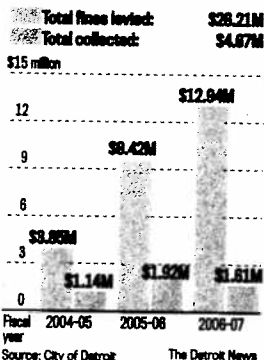


Daniel Meahs / The Detroit News

Enforcement officer David Moore explores a vacant lot on Rosa Parks Boulevard. Detroit officials say despite its deficiencies, the blight court is a better way to handle violations than the previous system.

Busting blight

Since Detroit's Blight Court opened in 2005, ticketed violators have generated more than \$26 million in fines, but the city has been able to collect only about 15 percent of what is owed.



bank accounts.

"It's taken us some time, but we're getting to the point where if you have money you can pay us, we will get it," said Beasley. "Too long, people didn't think they had to pay because nothing would happen if they didn't."

The current low collection rate isn't a good measure of how well the Department of Administrative Hearings operates, Director Medina D. Noor said.

Ticket numbers up

"We are handling more tickets than before. That means we're getting to more people than ever before," she said. "Under the old system, most of these people would never even be cited for a hearing."

Noor concedes that tickets are

"We are handling more tickets than before. That means we're getting to more people."

MEDINA D. NOOR, director of the Department of Administrative Hearings

regularly dismissed because, although enforcement officers have correct addresses, it can be uncertain who the true owners are, because property may change hands, and new deeds identifying the new owner may not be filed with the county.

Last year, Heather Hurley, a Wayne State University graduate student and downtown bartender, found herself, like Mohammed, on the wrong end of a blight court action.

Hurley bought a small home on Trumbull near the Woodbridge Historic District. She cleaned up the overgrown yard, perked up her front porch with a swing and plants and hung colorful curtains in the windows.

Then Hurley got hit with a \$1,000 citation for blight.

"The process is mind-boggling," she said.

Hurley was ticketed for an abandoned boat and other debris that were on lots adjacent to her property. Although the citation was eventually dismissed, Hurley took off work to get the citation cleared up. "Nothing made any sense," she said.

Ironically, the properties with the overgrown weeds were city-

owned, and after Hurley appeared in court, the city showed up to tidy up.

City officials note that despite its deficiencies, the blight court is a dramatically better way to handle property code violations than its predecessor, 36th District Court, was.

The district judge assigned to the city's code violations was able to hear a maximum of 800 a year, because criminal cases received priority.

Recent changes in state law allow the decision of a blight court judge to be enough to green-light the demolition of an abandoned building, instead of the lengthier process of public hearings that it replaced.

'The tool we could use'

"This is the tool we could use," said Meah, of the Building and Safety Department.

Enforcement officer David Moore said he believes the court — and his job — are making a difference.

On a recent Thursday morning, Moore was patrolling in the 15000 block of Dexter in northeast Detroit, between the Lodge and the University District.

A caller to the city's 311 complaint line had reported illegal dumping a few days earlier, and the property was put on Moore's to-do list for the day.

Pulling up in a white Ford F-150 emblazoned with a city of Detroit seal, Moore jumped out and started photographing the smashed TV, an assortment of ratty stuffed animals, a broken couch and the remains of an entertainment center.

He poked around looking for any sort of document — a telephone bill, a pay stub, a property lease — that could link the debris to its dumper. Finding none, Moore wrote a citation to the owner of the vacant lots — information he culled from Wayne County Register of Deed records — and posted it on the property.

In a day or two, employees of the city's Department of Public Works would clean up the trash and bill the owner for the work.

"We have to get their attention," Moore said.

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